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# Haitian Consul Indicted in Plane Plot

By Dom Bonafede  
Herald Tribune News Service

Five men including the Haitian consul general in Miami were indicted yesterday on Justice Department charges that they had smuggled two military planes into Haiti.

Returned by a Federal grand jury in Miami, the indictments came as a surprise because of the potential international consequences and reports that a former CIA agent played a role in the plot.

Last December, it was reported that the U.S. Government was reluctant to prosecute the case because one of the key witnesses was a former CIA operative and it was feared that an open trial would expose CIA techniques and personnel.

The State Department, which is responsible for administering the Munitions Control Act, reportedly dropped its inquiry at the request of the CIA and because of the possibility of reprisal against U.S. diplo-

rats for the arrest of Haiti's consul.

U.S. officials declined to say why the Government decided to proceed with the prosecution.

Named in the indictments were Rudolph Baboun, the Haitian consul; Robert D'Orsey, an airplane broker, Opa-Locka, Fla.; and three Florida pilots, Randall Lee Etheridge, Robert E. Spinning and Robert Vincent Smith, also known as Robert Walker. They were charged with violating munitions control regulations by illegally exporting two T-28s to Haiti last September without State Department clearance.

The Justice Department said the five had intended to fly a third T-28 to Haiti but that the plane was seized.

A U.S. spokesman said that Baboun was charged with a felony and that immunity granted diplomats of his status "covers misdemeanors but not felonies."

The Justice Department said

trip to Port-au-Prince he was D'Orsey bought two single-engine, piston-driven T-28s on Sept. 1 and a third on Sept. 9.

On Sept. 5, the announcement said, Spinning flew one of the T-28s to Haiti, and on Sept. 13 Smith flew in a second plane. The aircraft were believed to have been flown out of a south Florida field at low altitudes while the airport tower was closed.

According to the indictment, the plot called for the pilots to return to the United States via Jamaica and the Bahamas, using fictitious names and phony documents.

The Haitian regime of dictator Dr. Francois Duvalier, which offered \$10,000 for each of the planes, wanted them for use against rebel guerrillas, U.S. officials said.

The former CIA operative, an armaments expert, is reported to have been hired by the Haitian Government to arm the planes. Reliable sources say that following a

detained by U.S. agents in Miami.

Since this man would have been able to identify the planes, he was considered a key witness. At this point, however, the CIA stepped in.

One explanation given for the surprise indictments is that evidence was presented to the grand jury before the Government's decision to withhold prosecution and once the case was given to the grand jury no one could stop it from acting.

Following the return of the indictments, Baboun surrendered in Miami and was released on \$5000 bond.

D'Orsey, reached by telephone, said he had not heard about the indictment. He denied that he sold the planes to the Haitian Government. He said he sold them for cash to unidentified buyers.

The three pilots were still being sought as of late Wednesday.